

Serial No.: 10/533,601  
Examiner: Hoseln Kafimosavi  
Reply to Office Action Mailed June 11, 2008  
Page 6 of 8

### REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claim 1 has been canceled without prejudice. Claims 2-6, 9, 11 and 13-16 have been revised. New independent claim 18 has been added. Support for the new claim can be found in, e.g., original claims 1 and 2, and Figs. 5B, 6A-6D, among other places. Claims 2-18 are pending in the application.

#### Claim Rejections – 35 USC § 112

Claims 1-17 are rejected under 35 USC 112, second paragraph, as being indefinite. Applicant respectfully traverses the rejection. Claim 1 has been canceled without prejudice, rendering the rejection as to claim 1 moot. The issues noted in the rejection have been considered in preparing new independent claim 18. Claims 9 and 11 have been revised editorially to address the issues. Applicant is not conceding the correctness of the rejection. Withdrawal of the rejection is respectfully requested.

#### Claim Rejections – 35 USC § 102

Claims 1-2, 6 and 10-12 are rejected under 35 USC § 102(b) as being anticipated by Crismore et al. (US 5,997,817). Applicant respectfully traverses this rejection.

Claim 18 is patentable over Lea for reasons discussed below. Claim 18 requires a window that has a downstream edge located downstream from a second end of a second electrode to check whether a sample liquid is supplied beyond the second end of the second electrode. This arrangement makes it easy and reliably to check, by visual inspection, whether or not a sample liquid has reached an intended point in a capillary to ensure that a sufficient amount of sample liquid passes through the second end of the second electrode (see, e.g., page 2, line 8 to page 3, line 5 of the specification, among other places).

Crismore et al. fail to disclose a window that has a downstream edge located downstream from a second end of a second electrode to check whether a sample liquid is supplied beyond the second end of the second electrode, as required by claim 18. Instead, as shown in Figs. 3h, 3i and 4 of Crismore et al, Crismore et al. discuss a window 18

Serial No.: 10/533,601  
Examiner: Hosein Kafimosavi  
Reply to Office Action Mailed June 11, 2008  
Page 7 of 8

including a downstream edge located halfway on a downstream side electrode 6. As clearly shown in Fig. 4, the window 18 in Crismore et al. does not have a downstream edge that is located downstream from a second end of a second electrode, as required by claim 18. As a result, a user would not be able to check whether a sample liquid is supplied beyond the second end of the second electrode.

For at least these reasons, claim 18 is patentable over Crismore et al. Claims 2, 6 and 10-12 depend from claim 18 and are patentable along with claim 18 and need not be separately distinguished at this time. Applicant is not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claim 1 is also rejected under 35 USC § 102(b) as being anticipated by Lea (US 6,403,384). Applicant respectfully traverses this rejection.

Claim 18 is patentable over Lea for reasons discussed below. Claim 18 requires a window that has a downstream edge located downstream from a second end of a second electrode to check whether a sample liquid is supplied beyond the second end of the second electrode. This arrangement makes it easy and reliably to check, by visual inspection, whether or not a sample liquid has reached an intended point in a capillary to ensure that a sufficient amount of sample liquid passes through the second end of the second electrode (see, e.g., page 2, line 8 to page 3, line 5 of the specification, among other places).

Lea fails to disclose a window that has a downstream edge located downstream from a second end of a second electrode to check whether a sample liquid is supplied beyond the second end of the second electrode, as required by claim 18. In fact, Lea is completely silent as to the relative positioning between the window 10 and any electrodes. For at least these reasons, claim 18 is patentable over Lea. Applicant is not conceding the relevance of the rejection to the remaining features of the rejected claim.

Serial No.: 10/533,601  
Examiner: Hoseln Kafimosavi  
Reply to Office Action Mailed June 11, 2008  
Page 8 of 8

**Claim Rejections – 35 USC § 103**

Claims 7-9 are rejected under 35 USC 103(a) as being unpatentable over Crismore et al. in view of Lea. Applicant respectfully traverses this rejection. Claims 7-9 depend ultimately from claim 18 and are patentable over Crismore et al. in view of Lea for at least the same reasons discussed above regarding claims 1-2, 6 and 10-12. Lea does not remedy the deficiencies of Crismore et al. Applicant is not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claims 3-5 and 13-17 are rejected under 35 USC 103(a) as being unpatentable over Crismore et al. in view of Grate et al. (US 2003/0095897). Applicant respectfully traverses this rejection. Claims 3-5 and 13-17 depend ultimately from claim 18 and are patentable over Crismore et al. in view of Grate et al. for at least the same reasons discussed above regarding claims 1-2, 6 and 10-12. Grate et al. do not remedy the deficiencies of Crismore et al. Applicant is not conceding the relevance of the rejection to the remaining features of the rejected claims.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.

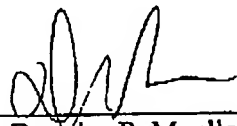
Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402-0902  
(612) 455-3800



Dated: December 11, 2008

By:

  
Douglas P. Mueller  
Reg. No. 30,300

DPM/cy